

Memorandum

Haines Borough
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September 29, 2013

To: Rob Goldberg, Chair, Haines Borough Planning Commission;
Danny Gonce, Andy Hedden, Lee Heinmiller, Rob Miller, Don Turner
III, Robert Venables, Planning Commisioners.

Cc: Julie Cozzi, Borough Clerk; Mark Earnest, Borough Manager;
Dave Berry, Jerry Lapp, Debra Schnabel, Norm Smith, Joanne
Waterman, Steve Vick, Members, Haines Borough Assembly

From: Stephanie Scott, Mayor, Haines Borough

Subject: Setbacks in the General Use Zone

As you know, on Tuesday, September 24, the Assembly did not adopt ordinance 13-08-343 proposing set backs in the General Use zone. But the objection turned not so much on the concept of set backs per se, but concern over tying specific set backs to specific uses, as detailed in the proposed amendment to 18.80.030 (B). The amendment added the General Use zone (GU) to the list of zoning districts and then stipulates set back restrictions for industrial, commercial, and residential development.

The problem, as the Assembly sees it, is that there are no stipulated uses in the General Use Zone,¹ so set backs cannot be tied to the categories of development listed in 18.80.030 (B). (i.e. industrial, commercial, residential). Development in the General Use zone is unrestricted except for a limited list of high impact uses, which require a conditional use permit. Set backs can be legitimately stipulated in a conditional use permit.

A solution occurred to us, if in fact set backs will add to improved public safety, and if set backs are a solution to conflicts between neighbors: apply a set back standard uniformly

¹ 18.70.030 Zoning districts – Zones.

D. GU – General Use Planning/Zoning District.

1. Intent. Recognizing the borough regions with no previous land use regulation and the need to provide a reasonable transition toward land use regulation, the general use planning/zoning district is intended to allow as broad a range of land uses as possible. This district allows any use, but requires a conditional use permit for high impact uses.

3. Prohibited Uses. There are no prohibited uses in this district.

4. Nonconforming Uses. There are no nonconforming uses in this district.

5. Conditional Uses. Landfills, commercial power plants, cemeteries, heliports, and hazardous materials storage facilities require a conditional use permit.

throughout the General Use Zone. This could be achieved by adding the following to Borough Code:

18.80.030 (C) Setbacks in the General Use Zone. All improvements, except those controlled by a conditional use permit requirement, in the General Use Zone shall be set back (x) feet from street lot lines, (x) feet from ally lot lines, and (x) feet from other lot lines.

If we are misreading the code (always a possibility!), and if there is a mechanism in the code in the General Use Zone, that provides for developers to state the nature of their development (industrial, commercial, residential) outside of the list that requires a conditional use permit, and be required to adhere to it, please help us understand how that works.

I do note that setbacks were anticipated in the Comprehensive Plan **Goal 5** under Land Use and Future Growth: **Guide infrastructure and industrial development, varied residential living, and diverse recreational opportunities.**

Objective 5G: Protect homeowner's investments by minimizing adjacent incompatible land development.

The associated strategy is:

3. To promote efficient land use, good neighbors and protect homeowner investments and lifestyles, require buffers between residential and non-residential land uses, between differing types/densities of residential development, or when home occupations or light approved commercial uses are adjacent. Depending on the situation common measures could be landscaping, retained or additional vegetation, setbacks, fences, sound barriers, restriction on hours of operation of noise generating equipment or activity, control of traffic speeds, and requiring off-street parking. etc.

So, we do appreciate the Planning Commission's concern about development in the General Use Zone. Setback requirements may be a strategy to introduce landowners in the General Use Zone to the benefit of zoning regulations. On the other hand, setback requirements are more commonly part of a set of regulations that accompany "uses" stipulated in variously designed zones. Since presently the General Use Zone is a zone where uses are not stipulated, probably the only regulation that can be applied is one that is uniform throughout the zone.

I believe we are all eager to continue the conversation. Once we figure out how to legitimately apply setbacks in the General Use Zone, I suspect the conversation will focus more fully on the pros and cons of setbacks per se.